

IN THE COURT OF COMMON PLEAS FRANKLIN COUNTY, OHIO

Brittain D. Waller  
4151 Fox Run Trail, Apt 3  
Cincinnati, Ohio 45255

Plaintiff,

V.

OHIOHEALTH CORPORATION,  
3430 OhioHealth Parkway, Columbus, OH 43202

BRIAN J. MARSHALL, M.D.  
OhioHealth Hilliard Emergency Care  
3880 Fishinger Blvd Hilliard, OH 43026,

CATHARYN DIBELLA, R.N.  
OhioHealth Hilliard Emergency Care  
3880 Fishinger Blvd, Hilliard, OH 43026,

EMILY COMBES, L.I.S.W.  
OhioHealth Hilliard Emergency Care  
3880 Fishinger Blvd, Hilliard, OH 43026,

PAYTON HURL, P.A.,  
OhioHealth Riverside Methodist Hospital  
3535 Olentangy River Rd, Columbus, OH 43214

TIFFANY NICOLE BUMENKA, M.D.  
OhioHealth Hilliard Emergency  
3880 Fishinger Blvd, Hilliard, OH 43026,

IVANA BALIC, M.D.  
7625 Hospital Dr,  
Dublin, OH 43016,

SOUMI DEY, C.N.P.  
7625 Hospital Dr,

Dublin, OH 43016,

COLUMBUS SPRINGS DUBLIN

7625 Hospital Dr, Dublin, OH 43016

JOHN DOES

Individuals or entities whose identities are currently unknown who participated in the alleged misconduct.

Defendants.

## COMPLAINT FOR DAMAGES AND REQUEST FOR EXTENSION TO FILE AFFIDAVIT OF MERIT

### I INTRODUCTION

This is a civil action arising unlawful, unethical, and medically negligent actions by the Defendants, including improper restraint, misrepresentation of Plaintiff's medical condition, submission of a psychiatric hold (Pink Slip) by an unauthorized provider, falsification of medical records, and retaliatory conduct following Plaintiff's filing of formal complaints.

### II. JURISDICTION AND VENUE

Jurisdiction is proper under Ohio law because the events occurred in Franklin County, Ohio. Venue is proper because all Defendants reside and/or conduct business in Franklin County, and the acts giving rise to these claims occurred there.

### III. PARTIES

Plaintiff Brittain D. Waller is a resident of Cincinnati, Clermont County, Ohio. Defendant Dr. Marshall is a Physician upon information and belief, employed by OhioHealth and engaged in the care and treatment of Plaintiff. Defendant Ms. Combes is, a licensed Social Worker upon information and belief, employed by OhioHealth and engaged in the care and treatment of Plaintiff. Defendant Ms. DiBella is upon information and belief, a Registered Nurse employed by OhioHealth. Defendant Ms. Hurl, is upon information and belief, a Physician Assistant affiliated with OhioHealth and engaged in the care and treatment of Plaintiff. Defendant Dr. Bumeka is, upon information and belief, employed by OhioHealth and engaged in the care and treatment of Plaintiff. Defendant Dr. Balic is, a Physician upon information and belief, employed by Columbus Springs Dublin. Defendant Ms. Dey is, a licensed Nurse Practitioner upon information and belief, employed Columbus Springs Dublin. Defendant OhioHealth is a healthcare corporation operating hospitals and medical

services in the State of Ohio and is vicariously liable for the acts of its employees. Defendant Columbus Springs Dublin is a mental health facility in Dublin, Ohio.

#### IV. FACTUAL BACKGROUND

On or about June 7, 2024, Plaintiff was a patient at an OhioHealth facility in Hilliard, Ohio. During the course of Plaintiff's treatment, Defendants misrepresented the nature and severity of Plaintiff's condition and created false and misleading documentation in Plaintiff's medical record.

Plaintiff was involuntarily placed into 4-point restraints without justification or medical necessity.

A Pink Slip was submitted to initiate involuntary psychiatric confinement but it was signed by an individual who was not authorized under Ohio law to do so.

Plaintiff was detained against their will as a result of these actions, constituting false imprisonment and a violation of Plaintiff's rights.

Upon being released, Plaintiff obtained and reviewed their medical records and discovered the falsified entries and unauthorized Pink Slip submission on or about June 13, 2024. Plaintiff filed complaints with governing bodies regarding the conduct, and was later subjected to a retaliatory investigation by the medical board as a result of these filings.

#### V. CAUSES OF ACTION

##### Count I - Medical Malpractice

Defendants failed to adhere to the applicable standard of care in their diagnosis, documentation, and treatment of Plaintiff.

As a direct result, Plaintiff suffered harm including emotional distress, reputational damage, and loss of liberty.

##### Count II - False Imprisonment

Plaintiff was restrained and confined without legal justification or valid authority, causing psychological and physical harm.

##### Count III - Civil Rights Violation (42 U.S.C. § 1983, if in federal court or state equivalent)

Defendants acted under color of law to deprive Plaintiff of liberty without due process in violation of constitutional protections.

#### Count IV - Falsification of Records / Defamation

Defendants knowingly entered false statements in Plaintiff's medical record which were relied upon by others and used to justify Plaintiff's restraint and hold.

#### Count V - Retaliation

After Plaintiff filed complaints with oversight bodies, Defendants engaged in retaliatory conduct, including triggering a medical board investigation without basis.

#### VI. REQUEST TO EXTEND TIME TO FILE AFFIDAVIT OF MERIT

Plaintiff intends to pursue a medical malpractice claim and is actively working to obtain an affidavit of merit from a qualified expert. Pursuant to Rule 10 (D) (2) of the Ohio Rules of Civil Procedure, Plaintiff respectfully requests an extension of 90 days to file the required affidavit of merit.

#### VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Award compensatory and punitive damages in an amount to be determined at trial;
- B. Order the correction of false medical records, if applicable;
- C. Grant injunctive relief as may be appropriate ;
- D. Award attorneys' fees and costs (if represented or available under law);
- E. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

Brittain D. Waller  
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Brittaini . Waller @ Gmail.com



Pro Se Plaintiff