

ABUSE OF DISCRETION

In *Cox v. MetroHealth*, 2012-Ohio-2383, the 8th Dist. Court of Appeals overturned a defense verdict in a medical malpractice action. The Court held that the refusal to permit a hospital physician to be called as a rebuttal witness constituted an abuse of discretion. The error was prejudicial since the treating physician had made a number of admissions in his discovery deposition and his relationship with the defendant would have made him more credible than the hired experts. The Court also found that an abuse of discretion was committed when the trial judge permitted a defense expert to change his opinion without furnishing a supplemental report in accordance with Loc. R. 21.1