

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT, HAMILTON
COUNTY

Haggard v. Durrani

2025-Ohio-5327 (Ohio Ct. App. 2025) · No. C-240300, C-240301 · Decided November 26, 2025

SUMMARY

The Ohio First District Court of Appeals reviewed consolidated medical-malpractice appeals brought by Lenora Haggard and Thomas Meyers against Abubakar Atiq Durrani, M.D., and the Center for Advanced Spine Technologies. The court largely affirmed the trial court’s judgments following jury verdicts for the plaintiffs, but held that the defendants were entitled to a setoff for settlements with other defendants and that the punitive-damages calculations against Durrani individually required reduction. The court affirmed in part, reversed in part, and remanded for recalculation of punitive damages and determination of the appropriate setoff.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District, Hamilton County
WRITING FOR THE COURT	Kinsley, Presiding Judge; Bock, Judge; Nestor, Judge
JURISDICTION	Ohio First District Court of Appeals, Hamilton County
DECIDED	November 26, 2025
DOCKET	C-240300, C-240301
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendants appealed judgments entered after consolidated jury trials in favor of plaintiffs in medical-liability actions. Defendants challenged joinder for trial, evidentiary rulings, jury instructions, post-trial rulings, punitive-damages calculations, and denial of setoffs.
STANDARD OF REVIEW	The court reviewed the denial of a Civ.R. 50 judgment notwithstanding the verdict de novo, construing the evidence most favorably to the nonmoving party; it reviewed the denial of a Civ.R. 59 new-trial motion for abuse of discretion. Joinder for trial and evidentiary rulings were also reviewed for abuse of discretion, while the scope of expert testimony was reviewed under the trial court's sound discretion.
PRECEDENTIAL VALUE	published

PARTIES

Abubakar Atiq Durrani, M.D., Center for Advanced Spine Technologies, Inc. v. Lenora Haggard, Thomas Meyers

TOPICS

appellate procedure civil procedure joinder evidence damages

PRACTICE AREAS

civil procedure evidence medical malpractice torts damages appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by consolidating Haggard's and Meyers's cases for a joint jury trial under Civ.R. 42.
2. Whether the trial court erred in admitting or limiting expert and other evidentiary testimony, including testimony concerning Durrani's habit, Dr. Saini's radiological and informed-consent opinions, demonstrations of spinal anatomy, and testimony concerning Durrani's absence from trial.
3. Whether any evidentiary or instructional errors cumulatively deprived defendants of a fair trial.
4. Whether the trial court properly resolved the absence of plaintiffs' health insurers as parties and the payment of past medical expenses.
5. Whether the evidence sufficiently supported awards of future medical expenses.
6. Whether R.C. 2315.21(D)(2)(b) capped punitive damages against Durrani individually at \$350,000 per plaintiff.
7. Whether defendants were entitled to setoffs under R.C. 2307.28(A) for plaintiffs' settlements with other defendants.

HOLDINGS

1. The trial court did not abuse its discretion under Civ.R. 42(A) by joining the cases for trial because the claims involved substantial common questions of law and fact, including similar medical histories, treatment theories, expert testimony, alleged misrepresentations, informed-consent issues, and post-surgical injuries.
2. The trial court properly admitted Dr. Wilkey's testimony under amended Evid.R. 601(B)(5)(b) because he was engaged in active clinical practice for more than 50 percent of his professional time at the time of the alleged negligent acts.
3. The trial court erred by admitting Dr. Tayeb's testimony concerning Durrani's alleged habit of making particular statements to patients, but the error was harmless and did not warrant reversal or a new trial.
4. The trial court properly admitted Dr. Tayeb's testimony relaying Dr. Shanti's opinion that Durrani was overly aggressive in recommending surgery because the statement was admissible as an admission against interest by a party's employee.

5. The trial court did not abuse its discretion by permitting Dr. Saini, a neuroradiologist, to testify that the surgeries were not medically indicated, to interpret operative reports, and to address informed consent.
6. The trial court did not abuse its discretion by limiting defense experts from repeating a demonstration of basic spinal anatomy after a plaintiff's expert had already used a spinal model.
7. Although part of the absent-defendant instruction was erroneous, the error was harmless, and the combined effect of that error and the improper habit testimony did not deprive defendants of a fair trial.
8. The trial court did not err by resolving the absence of plaintiffs' health insurers through protection against double payment rather than ordering a new trial.
9. The evidence supported the jury's awards of future medical expenses because plaintiffs presented evidence reasonably establishing both the need for future treatment and the costs of that treatment.
10. R.C. 2315.21(D)(2)(b) imposes an absolute \$350,000 maximum punitive-damages cap on an individual defendant, and the punitive-damages awards against Durrani individually had to be reduced to \$350,000 per plaintiff.
11. Durrani was entitled to a setoff under R.C. 2307.28(A) for amounts plaintiffs recovered from other defendants, including hospital-system defendants, and the matter had to be remanded for calculation of the setoff.

KEY QUOTATIONS

“R.C. 2315.21(D)(2)(b) thus imposes a \$350,000 punitive damages cap for individuals.” (§ 82)

“But we overruled that precedent in Fenner for the purpose of insuring that plaintiffs do not receive double recovery.” (§ 84)

FACTUAL BACKGROUND

Haggard and Meyers each had longstanding back pain and had tried conservative treatment before consulting Durrani. Both alleged that Durrani represented that surgery would permanently fix their conditions, failed to provide adequate information about the procedures, and performed surgeries that were medically unnecessary or not supported by their medical conditions. Both plaintiffs experienced continuing or worsened pain and required additional treatment after surgery. Their experts testified that the surgeries were not indicated and that the informed-consent process was deficient.

PROCEDURAL HISTORY

Haggard and Meyers separately sued Durrani and related defendants over allegedly unnecessary spinal surgeries. The trial court consolidated the cases for trial, and the jury returned verdicts for both plaintiffs, including compensatory and punitive damages. The trial court reduced the punitive damages awards, denied or resolved defendants' post-trial motions, and entered final judgments. The First District affirmed most rulings, reversed the punitive-damages awards against Durrani individually and the denial of setoffs, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must calculate the amount of setoff in each plaintiff's case and reduce the punitive-damages award against Durrani individually to \$350,000 per plaintiff. The judgments are affirmed in all other respects.

CASES CITED

- Courtney v. Durrani, 2025-Ohio-2335 (1st Dist.)
- Ravenscraft v. Durrani, 2025-Ohio-2900 (1st Dist.)
- Fenner v. Durrani, 2025-Ohio-4477 (1st Dist.)
- Jones v. Durrani, 2024-Ohio-1776 (1st Dist.)
- Houchell v. Durrani, 2023-Ohio-2501 (1st Dist.)
- Stephenson v. Durrani, 2023-Ohio-2500 (1st Dist.)
- Densler v. Durrani, 2024-Ohio-14 (1st Dist.)
- Bender v. Durrani, 2024-Ohio-1258 (1st Dist.)
- Adams v. Durrani, 2022-Ohio-60 (1st Dist.)
- State v. Valdez, 2017-Ohio-4260 (1st Dist.)
- Morgan v. Eads, 2004-Ohio-6110
- Guiliani v. Shehata, 2014-Ohio-4240 (1st Dist.)
- Celmer v. Rodgers, 2007-Ohio-3697
- State v. Chappell, 2024-Ohio-1541 (7th Dist.)
- Woods v. Rogers, 2024-Ohio-338 (8th Dist.)
- Setters v. Durrani, 2020-Ohio-6859 (1st Dist.)
- Moore v. Schill, 2019-Ohio-349 (8th Dist.)