

**No Robinson Expert? No Robinson Problem:
Supreme Court of Ohio reaffirms that the reasonable value of
proving medical expenses does not require expert testimony.**

After the Supreme Court of Ohio's rulings in *Robinson v. Bates* in 2006 and *Jaques v. Manton* in 2010, proving the "reasonable" value of medical expenses in a tort action under R.C. 2317.421 was relatively straightforward for both parties. The plaintiff would present the medical bills (i.e., the amount billed by the provider), the defendant would counter with evidence of the write-offs (i.e., identifying the amount accepted by the provider as payment in full) of those bills, and the jury would decide what was reasonable.

In 2012, however, the Ninth District Court of Appeals added a new wrinkle – while agreeing that defendants could present evidence of write-offs to identify the reasonable value of medical services rendered, the Ninth District required defendants only to present expert foundational testimony proving the reasonableness of the amount(s) accepted by the provider as payment in full. The repercussions of this decision were immediately apparent, as courts choosing to follow the Ninth District's rationale imposed a burden upon defendants to expend additional time, fees, and expense proving what had always been – according to the Supreme Court - a "usually empty ceremonial" of expert testimony on reasonableness.

On October 24, 2013, the Supreme Court reversed the Ninth District in *Moretz v. Muakassa* (5-2 decision), reaffirming its prior decisions in *Robinson* and *Jaques* that evidence of the write-offs remains prima facie evidence identifying the reasonable value of medical services. The Supreme Court found nothing in R.C. 2317.421 that excludes write-offs from the statute's prima facie presumption, or that warrants treating defendants differently than plaintiffs. Accordingly, as it is currently written, R.C. 2317.421 allows evidence of write-offs – just like evidence of the billed amount itself – to be prima facie evidence identifying the reasonable value of medical services, obviating the necessity and added expense of expert testimony.



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