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Milbert v. Wells Twp. Haunted House, Inc.

Court of Appeals of Ohio, Seventh District, Jefferson County - September 2, 2016 - Slip Copy - 2016 WL 4594241 - 2016 -Ohio- 5643

Plaintiff Elizabeth Milford filed a premises liability suit against Wells Township Haunted House, Inc. and Wells Township Board of Trustees after she was injured on a haunted house ride.

The township claimed political subdivision immunity. Specifically, the township asserted there was no evidence its employees were negligent in performing the proprietary function of operating a haunted house.

The Common Pleas Court denied the Township's motion for summary judgment and Township appealed.

The Court of Appeals affirmed, noting that, in addition to operating the haunted house, the township designed and constructed a swinging coffin ride which ejected the plaintiff after the coffin lid opened prematurely. The township admitted this failure was due to a bolt which became loose.

The plaintiff submitted an affidavit wherein a safety consultant opined the lid opening was foreseeable due to the use of an ungraded eye bolt and the design by which the release mechanism traveled across the eye bolt securing the lid.

The Court held that reasonable minds could differ on the question of whether a township employee negligently designed and constructed the ride which resulted in a hazardous condition. Therefore, the trial court's denial of the township's request for summary judgment was upheld.

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