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Cochran v. Presbyterian Church of Bloomingdale

Court of Appeals of Ohio, Seventh District, Jefferson County - September 23, 2016 - N.E.3d - 2016 WL 5415975 - 2016 -Ohio- 7020

Motorcyclist and his wife, who were riding their motorcycle when it began to rain and they parked at cemetery, brought negligent maintenance claim against township and board of trustees, which owned cemetery, alleging that motorcyclist leaned on a headstone while changing clothes, causing it to fall onto and injure his wife.

The Court of Common Pleas entered summary judgment for township, and motorcyclist and his wife appealed.

The Court of Appeals held that physical defect exception to governmental immunity did not apply. Injury had to be caused by a political-subdivision employee's negligence in order for the exception to apply, and no township employee was ever identified by name.

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