

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **CONTRACTS - OHIO**

### **Colaianne Constr., Inc. v. Indian Creek Local School Dist.**

**Court of Appeals of Ohio, Seventh District, Jefferson County - December 12, 2016 - N.E.3d - 2016 WL 7291139 - 2016 -Ohio- 8156**

Contractor on school construction project sought arbitration of contract dispute with school district.

The Court of Common Pleas granted contractor's motion to compel arbitration. District appealed.

The Court of Appeals held that state, rather than district, was public owner of project, and thus contractor's remedy was to file action in court of claims.

State, rather than school district, was public owner of district's project to construct new school facility, even though contractual promise to establish and maintain escrow account was made by school district, and thus contractor's means to seek release of retainage from escrow was to file action in court of claims rather than to file for arbitration. All actions taken by district under contract, including entry into escrow agreement and controlling of escrow account, were actions made in district's agency function, and contract explicitly named court of claims as exclusive jurisdiction for action or proceeding by contractor.