

# **Bond Case Briefs**

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## **IMMUNITY - OHIO**

### **Piazza v. Cuyahoga County**

**Supreme Court of Ohio - June 26, 2019 - N.E.3d - 2019 WL 2605842 - 2019 -Ohio- 2499**

Former county employee brought an action against county and news publisher for false-light invasion of privacy.

The Court of Common Pleas denied county's motion for summary judgment. County appealed. The Court of Appeals affirmed in part and dismissed in part. County sought discretionary review.

The Supreme Court held that:

- Statute precluding political subdivision immunity in cases brought by employee did not require ongoing employment at time of tortious conduct;
- Statute precluding immunity did not require ongoing employment at time employee filed her complaint; and
- Employee's claim for false-light invasion of privacy arose out of employment relationship, as required to preclude immunity.

Statute precluding political subdivision immunity in cases brought by a subdivision employee concerning matters arising out of the employment relationship did not require the alleged tortious conduct underlying a claim to have occurred during the employment; legislature did not use language such as "in the course of" or "during the course of," but instead used the phrase "arises out of," which referred to a causal connection that did not depend on whether the employment relationship was continuing or had terminated.

A claim "arises out of" the employment relationship between an employee and a political-subdivision employer, for purposes of statute precluding political subdivision immunity in cases brought by an employee, if there is a causal connection or a causal relationship between the claims raised by the employee and the employment relationship.

Statute precluding political subdivision immunity in cases brought by a subdivision employee concerning matters arising out of the employment relationship did not require a plaintiff to be an employee when she filed a complaint; statute's ambiguity as to whether a plaintiff had to remain an employee did not necessitate an assumption of immunity absent ongoing employment relationship, as the statute stated that immunity was not to be construed as applying in situations listed by the statute, and requiring an ongoing employment relationship would have been an unreasonable result, because it would have encouraged employers to terminate employees to preserve immunity.

Former county employee's claim for false-light invasion of privacy related to a matter arising out of the employment relationship, so as to preclude county's claim of political subdivision immunity; employee alleged that a county executive made a statement to news publisher that falsely connected employee and her termination to a county board of revision corruption scandal, the statement was directly related to employee's performance, her employment with the county, and the county's termination of her employment, and neither the termination nor the statement could have occurred

absent the employment relationship.

Termination of employment is a matter that “arises out of” the employment relationship, for purposes of statute precluding political subdivision immunity in cases brought by a subdivision employee concerning matters arising out of the employment relationship.