

Bond Case Briefs

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Molnar v. City of Green

Court of Appeals of Ohio, Ninth District, Summit County - July 31, 2019 = N.E.3d - 2019 WL 3504031 - 2019 -Ohio- 3083

Former employee brought action against city, mayor, and law director in their individual and official capacities, for breach of contract, negligence, injunctive relief, and libel, and seeking punitive damages, alleging that city had agreed to rescind and destroy letter terminating his employment and that letter had been subsequently produced pursuant to records request.

The Court of Common Pleas denied motion to dismiss for failure to state a claim arguing they were immune from liability as a political subdivision and employees. City, mayor, and law director appealed. The Court of Appeals, reversed and remanded. On remand, the Court of Common Pleas again denied the motion to dismiss. City, mayor, and law director appealed.

The Court of Appeals held that:

- City, mayor, and law director failed to demonstrate that based on the pleadings there existed no set of facts that could have supported an exception to political subdivision immunity, and
- Mayor and law director failed to demonstrate that it was apparent on the face of the pleadings that there existed no set of facts under which employee could succeed on his claim by countering the claimed defense of immunity as employees of city.