

# **Bond Case Briefs**

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## **IMMUNITY - OHIO**

### **Hoskins v. City of Cleveland**

**Supreme Court of Ohio - April 8, 2026 - N.E.3d - 2026 WL 948391 - 2026-Ohio-1225**

Executor of swimmer's estate brought wrongful-death and survivorship action against city and lifeguard, alleging that swimmer drowned in city-owned pool due to lifeguard's use of folding chair rather than elevated lifeguard chair, which executor claimed constituted physical defect removing city's political subdivision immunity.

The Court of Common Pleas denied city's motion for summary judgment and city appealed. The Eighth District Court of Appeals affirmed. City sought discretionary review.

The Supreme Court held that exception to political-subdivision immunity for negligent deaths due to physical defects on the grounds of buildings used in connection with a governmental function did not apply in wrongful-death action against city and others.

Exception to political-subdivision immunity for negligent deaths due to physical defects on the grounds of buildings used in connection with a governmental function did not apply in wrongful-death action against city and others after swimmer drowned at city-owned pool, even though executor alleged that on-duty lifeguard's decision to monitor swimmers from a low folding chair rather than from available elevated lifeguard chair created a physical defect on pool grounds; lifeguard's decision to use one chair rather than another, on the basis that lifeguard chair was "uncomfortable," did not amount to a physical defect on the pool grounds or prevent the lifeguard chair from functioning as a chair, and no expert opined that the folding chair or lifeguard chair were physically defective.