

Bond Case Briefs

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NEGLIGENCE - OHIO

Pauley v. Circleville

Supreme Court of Ohio - October 16, 2013 - N.E.2d - 2013 -Ohio- 4541

Sledder, who suffered broken neck when his sled allegedly struck object that looked like railroad tie while snow sledding down dirt pile mound at city park, and sledder's mother brought negligence action against city.

The Supreme Court of Ohio held that:

- Sledder was "recreational user" under recreational-user statute, and
- Existence of single object resembling railroad tie in park's dirt mound did not change essential character of park to something other than property that was open for recreational use.

Under recreational-user statute, the property must be viewed as a whole, and only where the essential character of the property has been altered to something other than an outdoor property on which outdoor recreational activities occur does immunity fall away.

Existence of single object resembling railroad tie in city park's dirt mound, which was being used for snow sledding, did not change essential character of park to something other than property that was open for recreational use, and thus city was immune under recreational-user statute regarding sledder's personal injuries. Park was outdoor property with trees and grass and was open to public free of charge for picnicking, sporting activities, and other recreational activities.