

# **Bond Case Briefs**

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## **IMMUNITY - OHIO**

### **Lewis v. Toledo**

**Court of Appeals of Ohio, Sixth District, Lucas County - April 18, 2014 - Slip Copy - 2014 - Ohio- 1672**

Suspect filed suit against police officer for assault, battery, recklessness, and gross negligence, stemming from incident in which officer hit suspect with her police cruiser while assisting with his apprehension. The Court of Common Pleas denied officer summary judgment. She appealed.

The Court of Appeals held that:

- Summary judgment evidence did not raise fact question as to whether officer lost political subdivision immunity, and
- Bystanders' statements that officer's conduct was intentional were inadmissible as opinion testimony.

Suspect's testimony and affidavits of lay witnesses offered on summary judgment did not raise fact question as to whether police officer lost political subdivision immunity against suspect's claims.

Whether officer maliciously, in bad faith, wantonly, or recklessly breached any duty owed to suspect was beyond the knowledge or experience possessed by lay persons.

Statements made by bystanders in summary judgment affidavits that police officer intentionally struck fleeing suspect with her police cruiser were not admissible as opinion testimony by lay witnesses to determine non-intentional allegations in suspect's negligence action against officer, since allegations were made without personal knowledge.