

Bond Case Briefs

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State ex rel. Cleveland v. Astrab

Supreme Court of Ohio - June 10, 2014 - N.E.3d - 2014 -Ohio- 2380

Plaintiffs brought action against city and city police officers, alleging tort claims arising when pedestrian was struck and killed by car engaged in high-speed chase with officers. The Court of Common Pleas denied immunity-based motion to dismiss, and city and officers appealed. The Court of Appeals reversed and remanded. On remand, the Court of Common Pleas dismissed plaintiffs' complaint without prejudice. City and officers brought action for writ of mandamus, seeking to compel trial judge to dismiss the action with prejudice on immunity grounds, as allegedly required by mandate of Court of Appeals. The Court of Appeals denied the writ, and city and officers appealed.

The Supreme Court of Ohio held that:

- Decision of Court of Appeals, that city and officers in their official capacities were immune, was law of the case, but
- Court of Appeals did not establish that immunity barred claims against officers in their individual capacity.