

Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL ORDINANCE - OHIO

Gibbs v. Speedway, L.L.C.

Court of Appeals of Ohio, Second District, Montgomery County - July 11, 2014 - N.E.3d - 2014 -Ohio- 3055

Convenience store patron filed suit against store for injuries sustained in trip-and-fall in parking lot under theories of negligence and negligence per se. The Court of Common Pleas entered summary judgment for store, and patron appealed.

The Court of Appeals held that:

- Patron's inability to identify what caused him to fall other than natural accumulation of "rutted" ice, or to present any evidence of same, precluded his recovery;
- Store owed no duty to warn store patron about open and obvious condition of "pitch dark" parking lot;
- Patron was own guilty of his own contributory negligence when he intentionally walked into "pitch black" area of icy parking lot;
- Store's alleged violation of city ordinance requiring sufficient "artificial lighting to permit the safe occupancy of the space and utilization of the appliances, equipment and fixtures" was not negligence per se.