

Bond Case Briefs

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Bibler v. Stevenson

Supreme Court of Ohio - December 29, 2016 - N.E.3d - 2016 WL 7645348 - 2016 -Ohio-8449

Driver with right-of-way filed negligence suit against city and driver who failed to stop at stop sign that was obscured by foliage.

The Court of Common Pleas granted summary judgment in favor of city. Plaintiff appealed. The Court of Appeals affirmed. Plaintiff's discretionary appeal was accepted.

The Supreme Court of Ohio held that city was not immune from liability since stop sign was required.

Stop sign at intersection with through highway was "public road" within meaning of statute making political subdivisions liable for failure to keep public roads in repair, and, thus, city was not immune from liability for intersection collision caused by driver who failed to stop at sign obscured by foliage, even though statutory definition of "public roads" excluded traffic control devices unless mandated by Ohio manual of uniform traffic control devices and manual mistakenly, inadvertently, or intentionally did not precisely align with statute requiring stop signs at intersections with through highways. Manual could not override clear statutory mandate, but necessarily incorporated it.