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COUNTIES - OHIO

Estate of Fleenor v. Ottawa County

Supreme Court of Ohio - October 11, 2022 - N.E.3d - 2022 WL 6572090 - 2022-Ohio-3581

Estate of deceased nursing home resident filed action for negligence and other causes of action against county, which owned and ran nursing home.

The Court of Common Pleas granted summary judgment in favor of county. Estate appealed. The Sixth District Court of Appeals reversed. County appealed, and the Supreme Court accepted jurisdiction.

The Supreme Court held that unchartered county was not sui juris, and therefore county was required to be sued in name of board of commissioners.

Unchartered county was not sui juris, and therefore it was required to be sued in the name of its board of commissioners; although county that adopted charter or alternative form of government was transformed into body politic and corporate, so as to be capable of suing and being sued, different rule applied to unchartered counties, and it was board of commissioners that could sue and be sued.

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