

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **IMMUNITY - OHIO**

### **Doe v. Greenville City Schools**

**Supreme Court of Ohio - December 28, 2022 - N.E.3d - 2022 WL 17970377 - 2022-Ohi-4618**

High-school students and their parents brought negligence action against school and school officials, alleging that injuries the students sustained when alcohol caught fire in a science classroom were caused by negligent supervision and by the failure to provide a fire extinguisher or other safety equipment in the classroom.

The Court of Common Pleas denied defendants' motion to dismiss based on their alleged immunity under the Political Subdivision Tort Liability Act, and the Second District Court of Appeals, noting a split between appellate districts over application of the statutory exception to immunity for claims based on a "physical defect" in a building. Defendants appealed, and the Supreme Court accepted jurisdiction of the question whether absence of a device or piece of safety equipment that was not a fixture could constitute a "physical defect" supporting an exception to immunity.

The Supreme Court held that absence of a fire extinguisher or other safety equipment in science classroom could be a "physical defect" supporting an exception to statutory immunity under the Political Subdivision Tort Liability Act.

Students' allegations of the absence of a fire extinguisher or other safety equipment in high-school science classroom were sufficient to allege a "physical defect" within or on the grounds of the school building that could support an exception to statutory immunity in students' action against school district and officials alleging that injuries they sustained when alcohol caught fire in a classroom were caused by negligent supervision of the science teacher and the lack of a fire extinguisher or other safety equipment.

The absence of safety equipment within or on the grounds of a building used in the performance of a governmental function can be a "physical defect" such that an exception to immunity could exist under the Political Subdivision Tort Liability Act.