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LIABILITY - OHIO

State ex rel. Hunt v. East Cleveland

Supreme Court of Ohio - February 15, 2023 - N.E.3d - 2023 WL 1998874 - 2023-Ohio-407

After driver and passenger had obtained a civil judgment of nearly $8 million dollars against city and former city police officer, they sought a writ of mandamus ordering city to satisfy the monetary judgment, plus pre- and postjudgment interest.

The Supreme Court held that:

- Driver and passenger were entitled to writ of mandamus compelling city to pay principal amount of judgment, prejudgment interest, and postjudgment interest;
- Civil judgment was not ambiguous; and
- City's argument that it could not be held liable for the entire amount of the jury's verdict against city and former police officer because there was no apportionment of damages constituted an impermissible collateral attack on the trial court's judgment.

Driver and passenger, who had obtained a monetary judgment against city and former police officer after they were injured when officer, while driving his police vehicle at a high rate of speed, collided with driver's vehicle injuring driver and passenger, were entitled to writ of mandamus compelling city to pay principal amount of judgment, prejudgment interest, and postjudgment interest; driver and passenger had a clear legal right to enforcement of their judgment, city had a clear legal duty to satisfy the judgment, and driver and passenger lacked an adequate remedy in the ordinary course of the law as city was immune from execution.

Trial court civil judgment awarding driver and passenger nearly $8 million in damages, after jury found injuries sustained by driver and passenger in collision with police officer were caused by negligence of officer and city, was not ambiguous, as would preclude driver and passenger from establishing clear legal entitlement to have city satisfy judgment, as needed for mandamus relief; trial court issued judgment entry on form indicating case was disposed pursuant to jury trial, journal entry recited jury's award, form noted it was a disposition of case, and fact that judgment did not specifically state city was liable did not invalidate judgment, as jury found officer was liable, and political subdivisions were liable for injuries caused by negligent operation of motor vehicles by employees.

City's argument that it could not be held liable for the entire amount of the jury's verdict against city and former police officer because there was no apportionment of damages constituted an impermissible collateral attack on the trial court's judgment, which awarded driver and passenger nearly $8 million in damages after jury found the injuries driver and passenger sustained in collision with police officer were caused by the negligence of officer and city; city had the burden to establish at trial whether an apportionment of damages was appropriate, and the absence of an apportionment of damages did not call into question city's liability to pay the entire judgment, rather, the absence of apportionment was consistent with joint and several liability among tortfeasors.

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