

Bond Case Briefs

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Schlegel v. Summit County

Supreme Court of Ohio - December 6, 2024 - N.E.3d - 2024 WL 4996424 - 2024-Ohio-5678

Resident filed negligence action against county, alleging that county's failure to maintain roadway resulted in a sinkhole and culvert collapse, which in turn caused resident's basement to flood.

The Court of Common Pleas granted in part and denied in part county's motion for summary judgment. County appealed and the Court of Appeals reversed. On remand, the Court of Common Pleas granted county's motion for summary judgment. Resident appealed, and the Court of Appeals affirmed. Resident appealed.

The Supreme Court held that statutory exception to political subdivision immunity for loss caused by a "negligent failure to keep public roads in repair" was not limited to motorists using the roads.

Statutory exception to political subdivision immunity for loss caused by a "negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads" was not limited to motorists using the road, and thus county potentially lacked immunity under statute for flood damage to resident's home resulting from the county's failure to keep roadway in repair, which allegedly led to roadway collapse and resulting debris which allegedly blocked drainage culvert.