

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT,
TRUMBULL COUNTY

Musson v. Newton Falls

2026-Ohio-1114 · No. 2025-T-0018 · Decided March 30, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals reviewed the denial of David Lynch’s motion for summary judgment asserting political-subdivision employee immunity under Ohio Revised Code Chapter 2744. The court held that the immunity appeal was properly reviewable, declined to address the merits of the intentional-infliction-of-emotional-distress claim under the limited scope of review, and concluded that genuine issues of material fact remained regarding immunity. The trial court’s judgment was affirmed and the matter was remanded for trial.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
WRITING FOR THE COURT	Katelyn Dickey; Carol Ann Robb; Mark A. Hanni
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Trumbull County
DECIDED	March 30, 2026
DOCKET	2025-T-0018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lynch appealed the denial of his motion for summary judgment asserting immunity under Ohio’s Political Subdivision Tort Liability Act. The denial of immunity was treated as a final, appealable order under R.C. 2744.02(C).
STANDARD OF REVIEW	The court reviewed the denial of summary judgment on immunity de novo. Under R.C. 2744.02(C), appellate review was limited to alleged errors involving the denial of the benefit of immunity, and the court viewed the evidence most strongly in favor of the nonmoving party.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	David Lynch v. Anna M. Musson

TOPICS

municipal liability

appellate jurisdiction

summary judgment

intentional infliction of emotional distress

civil procedure

PRACTICE AREAS

municipal law

municipal liability

torts

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the denial of Lynch's motion for summary judgment based on political-subdivision employee immunity was a final, appealable order.
2. Whether the appellate court could review the merits of Musson's intentional-infliction-of-emotional-distress claim in an appeal limited to the denial of immunity.
3. Whether genuine issues of material fact existed regarding whether Lynch's conduct fell within an exception to employee immunity under R.C. 2744.03(A)(6), including conduct manifestly outside the scope of employment or undertaken with malicious purpose, in bad faith, or in a wanton or reckless manner.
4. Whether Musson was equitably estopped from asserting that an exception to employee immunity applied because her complaint alleged Lynch acted within the scope of his employment.

HOLDINGS

1. An order denying a political-subdivision employee's motion for summary judgment based on immunity is a final, appealable order under R.C. 2744.02(C).
2. In an appeal under R.C. 2744.02(C), the court may review only alleged errors involving the denial of the benefit of immunity and may not decide the underlying merits of the intentional tort claim.
3. A political-subdivision employee acts manifestly outside the scope of employment when the employee's actions bear no relationship to the conduct of the political subdivision's business; whether that exception applies is generally a question of fact.
4. Genuine issues of material fact existed regarding whether Lynch acted with malicious purpose, in bad faith, or in a wanton or reckless manner, precluding summary judgment on employee immunity.
5. Musson was not estopped from asserting that an exception to employee immunity applied merely because her complaint alleged that Lynch acted within the scope of his employment.

KEY QUOTATIONS

“Appellate review under R.C. 2744.02(C) is limited to the review of alleged errors that involve the denial of the benefit of an alleged immunity from liability.” (¶ 38)

“We likewise conclude that a political-subdivision employee acts “manifestly outside the scope of his employment or official responsibilities” when his actions bear no relationship to the conduct of the political subdivision’s business for purposes of the first exemption to immunity contained in R.C. 2744.03(A)(6)(a).” (¶ 47)

“Based on the evidence in the record, we find reasonable minds could disagree as to whether Lynch acted with malicious purpose, in bad faith, or in a wanton or reckless manner.” (¶ 63)

FACTUAL BACKGROUND

Musson was the finance director for the City of Newton Falls, and Lynch was the city manager and her supervisor. Shortly after Musson reported suspected financial improprieties and an impending investigation by the Ohio Auditor's Office, Lynch placed her on paid administrative leave, required a psychological assessment, later placed her on unpaid leave, and compiled a report containing extensive allegations about her personal and professional history. The report and recordings of private marital conversations were provided to city officials and allegedly entered the public domain. The parties offered materially different accounts of Lynch's purpose and state of mind, creating disputes concerning malice, bad faith, wantonness, and recklessness.

PROCEDURAL HISTORY

Musson sued the City of Newton Falls and Lynch on employment-related claims, including intentional infliction of emotional distress. Lynch moved for summary judgment based on political-subdivision employee immunity. The Trumbull County Court of Common Pleas overruled the motion, finding genuine issues of material fact on the remaining claims. The Eleventh District affirmed and remanded the intentional-infliction-of-emotional-distress claim for trial.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The matter is remanded to the trial court for trial on the remaining intentional-infliction-of-emotional-distress claim against Lynch.

CASES CITED

- Ruckman v. Smith, 2022-Ohio-1813
- Hubbell v. Xenia, 2007-Ohio-4839
- Kubala v. Smith, 2023-Ohio-991
- Temple v. Wean United, Inc., 50 Ohio St.2d 317 (1977)
- Allen v. 5125 Peno, LLC, 2017-Ohio-8941
- Holliman v. Allstate Ins. Co., 86 Ohio St.3d 414 (1999)
- Dresher v. Burt, 75 Ohio St.3d 280 (1996)
- Smathers v. Glass, 2022-Ohio-4595
- Viock v. Stowe-Woodward Co., 13 Ohio App.3d 7 (6th Dist. 1983)
- Turner v. Turner, 67 Ohio St.3d 337 (1993)
- Argabrite v. Neer, 2016-Ohio-8374, 149 Ohio St.3d 349, 75 N.E.3d 161

- Thomas v. Bauschlinger, 2025-Ohio-281
- Curry v. Blanchester, 2010-Ohio-3368
- Jackson v. McDonald, 144 Ohio App.3d 301, 760 N.E.2d 24 (5th Dist. 2001)
- Johnson v. Godsey, 2013-Ohio-3277
- Osborne v. Lyles, 63 Ohio St.3d 326, 587 N.E.2d 825 (1992)
- Wee Care Child Ctr., Inc. v. Ohio Dept. of Job & Family Servs., 2014-Ohio-2913
- Oye v. Ohio State Univ., 2003-Ohio-5944
- Priddy v. Kline, 2025-Ohio-5718
- Anderson v. Massillon, 2012-Ohio-5711, 134 Ohio St.3d 380, 983 N.E.2d 266
- Preston v. Murty, 32 Ohio St.3d 334, 512 N.E.2d 1174 (1987)
- Jackson v. Butler Cty. Bd. of Cty. Commrs., 76 Ohio App.3d 448, 602 N.E.2d 363 (12th Dist. 1991)
- Canfora v. Coiro, 2007-Ohio-2314
- Cook v. Cincinnati, 103 Ohio App.3d 80, 658 N.E.2d 814 (1st Dist. 1995)
- Hill v. Schildmeyer, 2024-Ohio-3261
- Maternal Grandmother, ADMR v. Hamilton Cty. Dept. of Job & Family Servs., 2021-Ohio-4096, 167 Ohio St.3d 390, 193 N.E.3d 536
- Rankin v. Cuyahoga Cty. Dept. of Children & Family Servs., 2008-Ohio-2567, 118 Ohio St.3d 392, 889 N.E.2d 521
- Spitulski v. Bd. of Educ. of Toledo City School Dist., 2017-Ohio-2692, 90 N.E.3d 287
- Long v. Hanging Rock, 2011-Ohio-5137
- O'Toole v. Denihan, 2008-Ohio-2574
- Vidovic v. Hoynes, 2015-Ohio-712
- Van De Hey v. Ashtabula Cnty. Aud., 2023-Ohio-346
- Ultimate Salon & Spa, Inc. v. Legends Constr. Group, 2019-Ohio-2506
- Zoppo v. Homestead Ins. Co., 71 Ohio St.3d 552, 644 N.E.2d 397 (1994)