

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

Kanode v. Columbus

2025-Ohio-5533 · No. Nos. 25AP-175 & 25AP-176 · Decided December 11, 2025

SUMMARY

The Ohio Tenth District Court of Appeals affirmed summary judgment for the City of Columbus and Richard Wozniak in consolidated malicious-prosecution actions brought by Holly Kanode and Phillip Walls. The court held that political-subdivision immunity applied to the city, Wozniak was entitled to employee immunity, and the plaintiffs’ claims independently failed because probable cause supported the criminal charges. The appeals arose from prosecutions related to the plaintiffs’ conduct as Columbus police officers during 2020 protests.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Jamison, P.J.; Leland, J.; Dingus, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	December 11, 2025
DOCKET	Nos. 25AP-175 & 25AP-176
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from the Franklin County Court of Common Pleas' grant of summary judgment to the City of Columbus and Richard Wozniak in consolidated malicious-prosecution and related tort actions.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The appellate court applies the same legal standard as the trial court and independently reviews the evidence without deference, construing evidence and reasonable inferences in favor of the nonmoving party.
PRECEDENTIAL VALUE	Published
PARTIES	Holly Kanode, Phillip Walls v. City of Columbus, Richard Wozniak

TOPICS

- municipal liability
- sovereign immunity
- summary judgment
- torts
- appellate procedure

PRACTICE AREAS

torts

municipal liability

civil rights

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether political-subdivision immunity under R.C. 2744.02(A)(1) applied to the City of Columbus and whether the employment-relationship exception in R.C. 2744.09(B) applied.
2. Whether Richard Wozniak was entitled to employee immunity under R.C. 2744.03(A)(6), including whether the exception for malicious purpose, bad faith, wanton conduct, or reckless conduct applied.
3. Whether appellants established a lack of probable cause for their malicious-prosecution claims.
4. Whether probable cause existed for the specific offenses charged against Walls and Kanode.

HOLDINGS

1. The City of Columbus was immune under R.C. 2744.02(A)(1), and R.C. 2744.09(B) did not apply because appellants' malicious-prosecution claims arose from the city's prosecutorial functions rather than directly from their employment relationship.
2. Wozniak was entitled to immunity under R.C. 2744.03(A)(6) because appellants did not identify evidence that he acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
3. The malicious-prosecution claims failed because probable cause existed when the criminal proceedings against Walls and Kanode were initiated.
4. Probable cause existed to charge Walls with assault and the related offenses because he knowingly deployed mace toward individuals, creating sufficient grounds to believe he knowingly attempted to cause physical harm and violated duties imposed on a public servant.
5. Probable cause existed to charge Kanode with falsification because her repeated statements that Lynch pulled Officer Dye to the ground were contradicted by video evidence and were sufficient to support a belief that she knowingly made a false statement for the purpose of incriminating another.

KEY QUOTATIONS

“The sole issue before us is whether or not there was probable cause for the charges when they were filed.” (¶ 44)

“Probable cause does not depend on whether the plaintiff was guilty of the offense charged.” (¶ 46)

FACTUAL BACKGROUND

Walls and Kanode were Columbus police officers involved in separate incidents during the May 2020 George Floyd protests. Walls deployed mace toward two individuals while attempting to clear an intersection and was later charged with assault, dereliction of duty, and interfering with civil rights; the charges were dismissed after a resolution involving meetings with the alleged victims. Kanode repeatedly stated that a protester had pulled a police officer to the ground, although video evidence showed the officer taking the protester down; Kanode was charged with falsification and dereliction of duty and was acquitted after a bench trial. Richard Wozniak, a city deputy public-safety director, investigated both incidents before signing probable-cause affidavits.

PROCEDURAL HISTORY

Walls filed suit alleging malicious prosecution, abuse of process, and civil liability for criminal acts; Kanode later filed a malicious-prosecution action. The cases were consolidated. The trial court granted appellees' motion for summary judgment, finding immunity and alternatively concluding that appellants' claims failed as a matter of law. The Tenth District affirmed after overruling all three assignments of error.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Duncan v. Mentor City Council, 2005-Ohio-2163, ¶ 9
- Oliver v. Fox's Food, L.L.C., 2023-Ohio-1551, ¶¶ 8-9
- Plough v. Nationwide Children's Hosp., 2024-Ohio-5620, ¶¶ 29, 31
- Dresher v. Burt, 1996-Ohio-107, ¶ 18
- Vahila v. Hall, 1997-Ohio-259, ¶ 20
- A.M. v. Miami Univ., 2017-Ohio-8586, ¶ 30
- Turner v. Turner, 1993-Ohio-176, 67 Ohio St.3d 337, 340
- Gabriel v. Ohio State Univ. Med. Ctr., 2015-Ohio-2661, ¶ 12
- Riverside v. State, 2010-Ohio-5868, ¶ 17
- Smathers v. Glass, 2022-Ohio-4595, ¶ 32
- Thompson v. Ohio State Univ. Physicians, Inc., 2011-Ohio-2270, ¶ 16
- Sprouse v. Allstate Ins. Co., 1989 Ohio App. LEXIS 3990, *4-5 (10th Dist. Oct. 17, 1989)
- Vacha v. N. Ridgeville, 2013-Ohio-3020, ¶ 19
- Sampson v. Cuyahoga Metro. Hous. Auth., 2012-Ohio-570, paragraph two of the syllabus
- M.J. DiCorpo, Inc. v. Sweeney, 1994-Ohio-316, 69 Ohio St.3d 497, 506-507
- State v. Fowler, 2025-Ohio-3055, ¶ 7
- Cooper v. Tommy's Pizza, 2010-Ohio-2978, ¶ 9
- Johari v. Columbus Police Dept., 186 F.Supp.2d 821, 831 (S.D. Ohio 2002)
- Anderson v. Massillon, 2012-Ohio-5711, paragraphs three and four of the syllabus
- O'Toole v. Denihan, 2008-Ohio-2574, paragraph three of the syllabus
- Lacey v. Ohio Auditor of State, 2019-Ohio-4266, ¶¶ 14, 20
- Petty v. Kroger Food & Pharmacy, 2007-Ohio-5098, ¶¶ 20-21
- Pierson v. Aaron's Rental, 2010-Ohio-5443, ¶ 25
- Mayes v. Columbus, 105 Ohio App.3d 728, 737 (10th Dist. 1995)
- Slye v. London Police Dept., 2010-Ohio-2824, ¶ 42
- Howse v. Hodous, 953 F.3d 402, 408-409 (6th Cir. 2020)
- Chiaverini v. Napoleon, 602 U.S. 556, 562-564 (2024)

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