

SUPREME COURT OF OHIO

Vacha v. City of North Ridgeville

136 Ohio St. 3d 199, 2013-Ohio-3020 (Ohio 2013) · No. Nos. 2011-1050 and 2011-1327 · Decided July 17, 2013

SUMMARY

The Supreme Court of Ohio held that R.C. 2744.09(B) may create an exception to political-subdivision immunity for an employee's employer-intentional-tort claim. The court affirmed the denial of summary judgment to the City of North Ridgeville because the city had not established entitlement to immunity as a matter of law, while leaving determination of the required causal connection to the employment relationship for further proceedings.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	French, J.; O'Connor, C.J.; Pfeifer, J.; Lanzinger, J.; O'Neill, J.; O'Donnell, J.; Kennedy, J.
JURISDICTION	Ohio
DECIDED	July 17, 2013
DOCKET	Nos. 2011-1050 and 2011-1327
DISPOSITION	affirmed
PROCEDURAL POSTURE	Certified-conflict and discretionary appeal from the Ninth District Court of Appeals' affirmance of the denial of the city's motion for summary judgment on an employer-intentional-tort claim.
STANDARD OF REVIEW	De novo review of the denial of summary judgment under Ohio Civ.R. 56.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Ohio
PARTIES	City of North Ridgeville v. Lisa Vacha

TOPICS

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QUESTIONS PRESENTED

1. Whether R.C. 2744.09(B) may apply to an employer-intentional-tort claim brought by an employee against a political subdivision.
2. Whether North Ridgeville was entitled to summary judgment on Vacha's employer-intentional-tort claim based on political-subdivision immunity.

HOLDINGS

1. A civil action by an employee of a political subdivision alleging an intentional tort against the political-subdivision employer may qualify as a matter arising out of the employment relationship under R.C. 2744.09(B).
2. North Ridgeville was not entitled to summary judgment as a matter of law on Vacha's employer-intentional-tort claim because the city did not establish that political-subdivision immunity applied.

KEY QUOTATIONS

“When an employee of a political subdivision brings a civil action against the political subdivision alleging an intentional tort, that civil action may qualify as a “matter that arises out of the employment relationship” within the meaning of R.C. 2744.09(B).” (136 Ohio St. 3d at 203)

“An employee’s action against his or her political-subdivision employer arises out of the employment relationship between the employee and the political subdivision within the meaning of R.C. 2744.09(B) if there is a causal connection or a causal relationship between the claims raised by the employee and the employment relationship.” (136 Ohio St. 3d at 203)

“If, however, there is a genuine issue of material fact as to whether a plaintiff’s claim is causally related or connected to the plaintiff’s employment relationship, a political subdivision will not be entitled to summary judgment on the basis of political-subdivision immunity.” (136 Ohio St. 3d at 205-206)

FACTUAL BACKGROUND

North Ridgeville hired Charles Ralston as a helper at its French Creek Wastewater Treatment Plant despite the mayor's knowledge that Ralston's daughter had twice called police concerning domestic violence involving Ralston. The city did not conduct criminal-background checks for the entry-level position, and the plant superintendent did not ask Ralston about his criminal record. Vacha and Ralston worked largely alone on the same night shift, and on June 2, 2006, Ralston raped and assaulted Vacha at the plant after they arrived for work.

PROCEDURAL HISTORY

Vacha sued North Ridgeville and Charles Ralston after Ralston raped and assaulted her while they were working together at a municipal wastewater-treatment plant. The trial court granted the city summary judgment on vicarious liability but denied summary judgment on Vacha's employer-intentional-tort and negligent or reckless hiring and supervision claims. The Ninth District reversed as to the negligent and reckless hiring and supervision claims under workers' compensation law but affirmed denial of summary judgment on the intentional-tort claim. The Supreme Court of Ohio accepted the certified conflict and discretionary appeal, consolidated them, and affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

No express remand instruction appears in the opinion. The judgment of the court of appeals was affirmed, leaving further proceedings on the immunity issue in the lower court.

CASES CITED

- Sampson v. Cuyahoga Metro. Hous. Auth., 131 Ohio St. 3d 418, 2012-Ohio-570, 966 N.E.2d 247
- Buck v. Reminderville, 132 Ohio St. 3d 24, 2012-Ohio-1580, 967 N.E.2d 1218
- Comer v. Risko, 106 Ohio St. 3d 185, 2005-Ohio-4559, 833 N.E.2d 712
- Blankenship v. Cincinnati Milacron Chems., Inc., 69 Ohio St. 2d 608, 433 N.E.2d 572 (1982)
- Zieber v. Heffelfinger, 5th Dist. Richland No. 08CA0042, 2009-Ohio-1227
- Williams v. McFarland Properties, L.L.C., 177 Ohio App. 3d 490, 2008-Ohio-3594, 895 N.E.2d 208 (12th Dist.)
- Coats v. Columbus, 10th Dist. Franklin No. 06AP-681, 2007-Ohio-761
- Villa v. Elmore, 6th Dist. Lucas No. L-05-1058, 2005-Ohio-6649
- Ellithorp v. Barberton City School Dist. Bd. of Edn., 9th Dist. Summit No. 18029, 1997 WL 416333 (July 9, 1997)
- Fyffe v. Jeno's Inc., 59 Ohio St. 3d 115, 570 N.E.2d 1108 (1991)
- Houdek v. ThyssenKrupp Materials N.A., Inc., 134 Ohio St. 3d 491, 2012-Ohio-5685, 983 N.E.2d 1253
- Stetter v. R.J. Corman Derailment Servs., L.L.C., 125 Ohio St. 3d 280, 2010-Ohio-1029, 927 N.E.2d 1092
- Kaminski v. Metal & Wire Prods. Co., 125 Ohio St. 3d 250, 2010-Ohio-1027, 927 N.E.2d 1066
- Rozzi v. Star Personnel Servs., Inc., 12th Dist. Butler No. CA2006-07-162, 2007-Ohio-2555
- State ex rel. Kinnear Div., Harsco Corp. v. Indus. Comm., 77 Ohio St. 3d 258, 673 N.E.2d 1290 (1997)

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